

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----X	
In re:	:
	:
	:
	:
	:
ETOYS, INC., et al.,	:
	:
	:
Debtors.	:
	:
-----X	
ROBERT K. ALBER, <i>Pro Se</i> ,	:
	:
	:
Appellant,	:
	:
	:
v.	:
	:
	:
TRAUB, BONACQUIST & FOX LLP,	:
BARRY GOLD, MORRIS NICHOLS	:
ARSHT & TUNNELL LLP, and POST-	:
EFFECTIVE DATE COMMITTEE OF	:
EBC I, INC.,	:
	:
	:
Appellees.	:
-----X	

**APPELLEE/CROSS-APPELLANT MORRIS, NICHOLS, ARSHT & TUNNELL'S
MOTION FOR STAY OF FURTHER PROCEEDINGS ON APPEAL PENDING
RESOLUTION OF MOTION TO STRIKE IMPROPERLY DESIGNATED ITEMS**

Appellee/Cross-Appellant Morris, Nichols, Arsht & Tunnell (“MNAT”) hereby moves this Court for an Order staying further proceedings on the appeal of Robert K. Alber from the October 4, 2005 Order of the United States Bankruptcy Court, District of Delaware (Walrath, C.J. presiding), *inter alia*, (i) denying the emergency motion filed by Mr. Alber, (ii) approving settlement agreement between Traub, Bonacquist & Fox LLP and the Office of the United States Trustee, and (iii) approving the settlement between the Post-Effective Date Committee and Goldman Sachs & Co., for and upon the reasons set forth in its Opinion, also dated October 4, 2005, pending adjudication of Appellee/Cross-Appellant Morris, Nichols, Arsht & Tunnell’s

Motion to Strike Items Improperly Designated by Robert K. Alber to be included in the Record on Appeal of the Bankruptcy Court's October 4, 2005 Order. The reasons supporting this Motion are set forth in Appellee's Emergency Motion for Stay of Further Proceedings on Appeal Pending Resolution of Appellee's Motion to Strike Improperly Designated Items (the "TBF Emergency Motion"), filed by Appellee Traub, Bonacquist & Fox LLP on December 19, 2005. A copy of the TBF Emergency Motion, is attached hereto and incorporated herein as Exhibit 1.

WHEREFORE MNAT prays that the Court enter an order (a) staying further proceedings on the appeal of Robert K. Alber for the reasons set forth in the TBF Emergency Motion; and (b) granting MNAT such further relief as is just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL

By: /s/ Gregory W. Werkheiser
Derek C. Abbott (No. 3376)
Gregory W. Werkheiser (No. 3553)
1201 N. Market St., 18th Floor
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200

Dated: Wilmington, Delaware
December 29, 2005